

HB 0673

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1                                   A bill to be entitled  
 2           An act relating to Escambia County; providing for the  
 3           relief of Patricia Stolfi; authorizing and directing the  
 4           Escambia County Utilities Authority to compensate Ms.  
 5           Stolfi for personal injuries that she suffered due to the  
 6           negligence of an employee of the utilities authority;  
 7           providing for attorney's fees and costs; providing an  
 8           effective date.

9  
 10           WHEREAS, at approximately 11:45 p.m. on October 9, 1997,  
 11           Patricia Stolfi, driving a 1996 Geo, was returning to her home  
 12           from work, traveling west on Bellview Road, a two-lane road, in  
 13           Escambia County, and

14           WHEREAS, an employee of the Escambia County Utilities  
 15           Authority was collecting garbage on an unnamed, two-lane, paved  
 16           road that intersected Bellview Road, and

17           WHEREAS, the driver of the garbage truck, in order to exit  
 18           the unnamed road, backed out into Bellview Road, and

19           WHEREAS, as a result of backing out, the garbage truck  
 20           blocked both lanes of Bellview Road, and

21           WHEREAS, all safety lights on the garbage truck were  
 22           positioned on the truck at an angle, preventing Ms. Stolfi from  
 23           seeing the safety lights, and

24           WHEREAS, Ms. Stolfi did not see the garbage truck in the  
 25           darkness until she was approximately 64 feet from the truck, and

26           WHEREAS, despite her efforts to stop, Ms. Stolfi was unable  
 27           to stop her vehicle and collided with the garbage truck as it  
 28           blocked Bellview Road, and

29           WHEREAS, as a result of the accident, Ms. Stolfi suffered  
 30           severe injuries, including a mid-shaft femur fracture, a right

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31 radius ulna fracture, and a near amputation of her right hand,  
32 and

33 WHEREAS, Ms. Stolfi required a long course of medical  
34 treatment and surgery, including insertion of a intra-medullary  
35 rod into her right leg; skin grafts; various surgical procedures  
36 to her right hand; and closed manipulation of the right  
37 shoulder, elbow, and wrist, and

38 WHEREAS, those injuries necessitated extensive medical  
39 treatment, rehabilitation, and restorative treatments, and Ms.  
40 Stolfi expects further medical procedures in the future, and

41 WHEREAS, as a result of the injuries to her hand, Ms.  
42 Stolfi can no longer perform her current occupation as a  
43 seamstress nor that of a medical transcriptionist for which she  
44 had almost completed her training, and

45 WHEREAS, after litigation relating to this accident was  
46 commenced in Escambia County, a jury, on August 30, 2001,  
47 rendered a verdict against the Escambia County Utilities  
48 Authority and for Ms. Stolfi in the amount of \$2,747,000, and

49 WHEREAS, the jury, after considering comparative  
50 negligence, apportioned 95 percent of the fault to the Escambia  
51 County Utilities Authority and 5 percent to Ms. Stolfi,  
52 resulting in a final judgment of \$2,480,889 entered against the  
53 utility authority, and

54 WHEREAS, the Escambia County Utilities Authority appealed  
55 the final judgment to the First District Court of Appeals, which  
56 final judgment was affirmed, per curiam, by that court on April  
57 11, 2003, and

58 WHEREAS, the Escambia County Utilities Authority has  
59 tendered to Ms. Stolfi the sum of \$100,000, which is the  
60 statutory limit on waivers of sovereign immunity, and

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61 WHEREAS, at the time of the accident, the Escambia County  
 62 Utilities Authority was insured for general liability by Coregis  
 63 Insurance Company for \$1.1 million, but the company has not  
 64 offered Ms. Stolfi the policy limits, and

65 WHEREAS, Ms. Stolfi is, therefore, petitioning the  
 66 Legislature for further reimbursement in the amount of  
 67 \$2,380,889, NOW, THEREFORE,

68  
 69 Be It Enacted by the Legislature of the State of Florida:

70  
 71 Section 1. The facts stated in the preamble to this act  
 72 are found and declared to be true.

73 Section 2. The Escambia County Utilities Authority is  
 74 authorized and directed to appropriate from funds of the county  
 75 not otherwise appropriated and to draw a warrant in the amount  
 76 of \$2,380,889, which amount includes statutory attorney's fees  
 77 and costs, payable to Patricia Stolfi as compensation for  
 78 injuries and damages sustained by Ms. Stolfi as a result of the  
 79 negligence of an employee of the Escambia County Utilities  
 80 Authority.

81 Section 3. This act shall take effect upon becoming a law.